

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN FISHER, *et al.*,

Plaintiffs,

v.

Case No. 23-cv-10426
Hon. Matthew F. Leitman

FCA US LLC,

Defendant.

/

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A FIRST AMENDED COMPLAINT**

On February 17, 2023, Plaintiffs Brian Fisher, Eric Lee, Jerry Vanderberg, and Rachel Walkowicz filed this putative class action against FCA US LLC (“FCA”). (*See* Compl., ECF No. 1.) Plaintiffs’ claims arise from an alleged defect in vehicles manufactured by FCA and purchased or leased by Plaintiffs. On April 21, 2023, FCA filed a motion to dismiss this action, arguing that Plaintiffs’ Complaint should be dismissed for lack of standing and for failure to state a plausible claim for relief. (*See* Mot., ECF No. 13.)

Without expressing any view regarding the merits of the motion to dismiss, the Court grants Plaintiffs the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in its allegations identified in FCA’s motion to dismiss. The Court does not anticipate allowing Plaintiffs another opportunity to

amend to add factual allegations that it could now include in its First Amended Complaint. Simply put, this is Plaintiffs' opportunity to amend its allegations to cure the alleged deficiencies in its claims.

By **May 8, 2023**, Plaintiffs shall file a notice on the docket in this action notifying the Court and FCA whether they will amend the Complaint. If Plaintiffs provide notice that they will be filing a First Amended Complaint, they shall file that amended pleading by no later than **May 22, 2023**. If Plaintiffs provide notice that they will not be filing a First Amended Complaint, they shall respond to the motion to dismiss by no later than **May 22, 2023**.

Finally, if Plaintiffs provide notice that they will be filing a First Amended Complaint, the Court will terminate without prejudice FCA's currently-pending motion to dismiss as moot. FCA may re-file a motion to dismiss directed at the First Amended Complaint if it believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 24, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 24, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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